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# MR. ROOSEVELT'S FIRST YEAR IN OFFICE.

BY A JEFFERSONIAN DEMOCRAT.

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BEFORE we undertake to discuss President Roosevelt's first year in office from the viewpoint of a Jeffersonian Democrat, we naturally shall be expected to define what we mean by Jeffersonian Democrat. Perhaps we can best arrive at an acceptable definition by a process of cancellation. We certainly do not mean by the term Jeffersonian Democrat a citizen who, when confronted by the political and economical problems of the twentieth century, declines to make any effort to solve them, unless he can find in the acts and words of Thomas Jefferson, who died some three-quarters of a century ago, solutions propounded for precisely similar problems. The utmost for which the most devoted disciple of Jefferson would contend is that, in our endeavor to solve problems which were never presented to Jefferson himself, we should be guided by the general principles which he enunciated, and his faith in which was attested by his adherence to them in practice.

The question at once arises, What were those general principles, and were they all deemed equally binding by their author? It will be obvious to the student of Jefferson's career that, among the principles which he formulated, some were regarded by him as primary and some as secondary, and that, even among those at first accepted by him as primary, there were some which, under the pressure of momentous exigencies, were superseded by another broad and elastic principle which he recognized as fundamental. Before we go any further, it may be well to pause for a moment and recall the facts which indicate how, beneath Jefferson's seeming inconsistencies, lay the sovereign faculty of statecraft, to wit: the faculty of grading, subordinating and adjusting principles so as to keep always in view the paramount aim of statesmanship, the assurance of the safety, welfare and progress

of the state. That Thomas Jefferson, were he living to-day, would show himself qualified to deal with the problems of the twentieth century, with the evils imputed to the trusts and with the disputes between labor and capital, will be evident, we think, if we call to mind his method of dealing with the questions raised by the projected purchase of the Louisiana territory, and if we also call to mind, what is more generally overlooked, the extraordinary change of attitude toward Great Britain which he underwent during the quarter of a century preceding the promulgation of the Monroe Doctrine.

Two questions of extreme importance in the eyes of a constitutional lawyer were involved in the purchase of the Louisiana territory from France. First, under the Federal Constitution, as it stood, had the Federal Government any right to make such a purchase? Secondly, the purchase being made, had Congress the power, under the Constitution, to enact a government for the purchased territory which should withhold from the inhabitants thereof the rights enjoyed by the citizens of States within the Union? The answers returned by Jefferson to these questions were very different from those which might have been expected by persons who considered simply the general principles previously advocated by him, and who lost sight of the fundamental aim for which those principles had been propounded, namely, the safety, the welfare and the development of the United States. Up to 1803, Jefferson had been what was called a strict constructionist; that is to say, he held that the powers asserted by the Federal Government must be distinctly and unmistakably expressed in the text of the Constitution, and not deduced therefrom by lax and subtle interpretation. He had formulated the principle of strict construction, because, during the administrations of Washington and John Adams, the most formidable danger by which, in his opinion, the country was threatened was the dilapidation of State Rights through the intrusions and usurpations of Federal authority, intrusions and usurpations based upon the opposite principle of loose construction. That danger seemed averted when Jefferson became President on March 4th, 1801.

Within two years the ill-cemented confederacy was beset with an even graver peril. The whole right bank of the Mississippi River, including all the mouths of that vast waterway, the use of which was indispensable to the American settlers in Ohio, Ken-

tucky and Tennessee, had passed into the hands of France; that is to say, had become exposed to the attacks of the arch-enemy of France, Great Britain, which, being omnipotent at sea, could never be dislodged were its grasp once laid upon the outlet of the Mississippi Valley. Jefferson knew it to be probable, if not absolutely certain, that, if the British flag was planted at New Orleans, the inhabitants of the region between the Alleghanies and the Mississippi would be driven, by economic motives of irresistible force, to resume allegiance to the British Crown. In a word, it was clear to him that the safety, the welfare and the progress of his country were at stake. What was to be done? He did not believe that the Constitution, as it stood, gave him, or gave Congress, the power to purchase the Louisiana territory, and he knew that there was no time to await the slow and dubious procurement of a Constitutional Amendment. In the face of such an exigency, he did not hesitate to abjure for the moment the principle of strict construction, and this he did on the ground that *cessante ratione cessat et ipsa lex*; or, in other words, the national salvation having ceased to require, or even to permit, the principle of strict construction, that principle should be suspended. In fine, Jefferson, like every other statesman worthy of the name, was no idolater of his own formulæ. He acknowledged that principles of political interpretation and policy are made for men, not men for principles, and that there are crises, like that which loomed upon him in 1803, when *salus reipublicæ suprema lex*; when a nation's salvation is the supreme law.

So Louisiana was bought. Then came the question, How shall it be governed? The white inhabitants of the newly-acquired region, relatively few compared with the Indian element of the population, were of French or Spanish descent. Most of them were bitterly hostile to the cession of Louisiana to the United States, and, even had they regarded favorably the transfer of sovereignty, they would still have been disqualified, through their life-long subjection to an autocratic system, for the immediate exercise of self-government. Some method of administration, however, had to be forthwith adopted if the Hispano-French community was to be rescued from anarchy. In this predicament, Jefferson prepared a plan for the government of the new territory which ignored the condition proclaimed necessary by the Declaration of Independence, to wit, the consent of the governed.

His scheme conceded to the people of Louisiana no voice in the control of their own affairs, but endowed the President and his appointees with the monarchical authority exercised by the Spanish Viceroy. To those critics who insisted that the plan was unconstitutional, Jefferson made no reply in any of his messages to Congress; but his supporters answered that the Constitution was made for the States, and not for the Territories, and that with the Territories Congress could do anything it pleased. Jefferson himself justified the project of territorial government on the ground that, in providing an immediate remedy for an urgent need, he was seeking the good of the American people and executing their will.

Nor was it by pressing exigencies alone that Jefferson was led to reconstruct his own opinions. In the re-adjustment of his views he was influenced at one important conjuncture by a wise forecast of the future. In Washington's second administration, he had been a strenuous opponent of the Jay Treaty, on the score of its concessions to Great Britain; and, throughout the administration of John Adams, he denounced the pro-British sympathies of the Federalist party. Throughout the eight years of his Presidency, he missed no opportunity of exhibiting dislike and distrust of England, for which, it cannot be denied, he had sufficient provocation. Within fifteen years, however, after he took leave of the White House, his feeling with reference to that country underwent a radical change. In a letter to President Monroe, penned in the autumn of 1823, when the expediency of proclaiming the Monroe Doctrine was under consideration at Washington, he not only signified approval of such a declaration, but added some memorable words which attested his freedom from rancor, his openness of mind and the far-reaching scope of his prevision. He recognized that the Canning of 1823 was not the Canning of fifteen years before, and that circumstances were impelling England toward Liberal ideas and sentiments, thus making her a fit associate and an invaluable comrade for the United States. Said Jefferson:

"Great Britain is the nation which can do us the most harm of any one or all on earth, and, with her on our side, we need not fear the whole world. With her, then, we should most sedulously cherish a cordial friendship, and nothing would tend more to knit our affections than to be fighting once more side by side in the same cause."

It seems plain, then, that Jefferson, were he alive to-day, would be pre-eminently qualified to deal with the problems that confront us, by the breadth and penetration of his mind, by his subordination of formulated principles to the aims for which they were devised, and by the tenacity of his adherence to the paramount purpose of all government, to wit, the salvation of the nation. But, while Jefferson would be ready to abjure prejudices and forget injuries, to accept at critical conjunctures a loose instead of a strict construction of our Federal organic law, and, even, under the pressure of irresistible circumstances, to amend or to defy the Constitution, it is equally certain that to extreme and extra-legal measures he would make recourse in no spirit of giddy and blind bravado, but with quivering reluctance and anxiety, and only when, so far as his eye or any human eye could discern, no other and less dangerous method of coping with a pressing exigency seemed attainable. Assuredly, he would never advocate a Constitutional Amendment transferring to the Federal Government rights reserved to the States, until he had exhausted the capacious powers of taxation, Inter-State Commerce regulation and tariff manipulation conferred upon the Federal Government by the Constitution, as construed by the United States Supreme Court; much less would he presume to violate, either openly or by implication, the plain purport of the Constitution, or to initiate by a vicious precedent the growth of a specious Caesarism warranted by no organic law, formulated in no statutes and reviewable by no tribunal.

### I.

We have attempted to define the viewpoint of a Jeffersonian Democrat, by suggesting how Jefferson himself, were he now living, would approach the problems of to-day. Having cleared the ground to this extent, let us look at the salient, and especially the pivotal, incidents in Mr. Roosevelt's first year of office. About the rightfulness of his request that Congress should make such a reduction of the duty levied in our ports on Cuba's principal export staple, sugar, as would assure to the island a measure of prosperity, there ought to be no doubt in any quarter. So far as President McKinley and his Secretary of War were competent to bind their fellow-citizens, they imposed on us a debt of honor when they promised Cuba a material reduction of the duty on her sugar, in consideration of the important concessions to the United States

embodied in the so-called Platt Amendment. When Congress adopted that amendment, it did so with knowledge of the consideration promised, and, therefore, contracted a moral obligation to fulfil the agreement. So much is admitted, even by our native producers of beet-root sugar, who, although they demanded in the last session of Congress that the whole duties fixed by the Dingley Tariff should continue to be levied upon Cuban sugars, suggested that a sum equivalent to the money value of the proposed reduction should be paid from our Treasury to the insular government. That we owe a debt to Cuba is, therefore, undisputed, and the recognition of the justice of the President's determination to discharge it, a recognition attested by the legislatures of the States most interested in the rival beet-root product, renders the ratification by the Senate of a treaty granting a material reduction of the duty on Cuban sugars extremely probable, if not certain. No candid student of Jefferson's career and character can doubt how he would act in such a matter, and we take it for granted that not even indirect opposition will be offered to the treaty from the Democratic side. So far, then, as his treatment of Cuba is concerned, Mr. Roosevelt deserves to be honored by his countrymen, irrespectively of party distinctions.

The same thing may be said of the position taken by the State Department under Mr. Roosevelt's administration with reference to China. Toward that country our Federal Government has continued to pursue a policy of forbearance and magnanimity. Our State Department from the outset has contended that the aggregate indemnity imposed on China for the Boxer outrages was inordinate, and it has listened to China's plea that to pay the debt in gold instead of silver would out-tax her fiscal resources. It is understood that we have signified a willingness to accept our share of the indemnity in silver, and, influenced by our example, Germany has consented to refer the question raised by China to the Court of Arbitration at The Hague. As Germany had hitherto shown herself disposed to insist upon the payment of the indemnity in gold, we may presume that all the Powers concerned will now acquiesce in the submission of the question to an impartial tribunal. This may seem to some persons a minor incident, but it reflects high credit on the Roosevelt administration, and it is certain to augment the moral authority possessed by our diplomatic representatives at Peking.

There are two other particulars in which the attitude maintained by Mr. Roosevelt during his first year of office should command the hearty approval of all clear-sighted lovers of their country. He has followed both of the counsels earnestly offered by Jefferson in the above-mentioned letter to Monroe. He has made plain his purpose inflexibly to uphold the Monroe Doctrine, so far as that doctrine binds us to prohibit European States from acquiring any new foothold on the American Continent; and, at the same time, he has missed no opportunity of evincing appreciation of the exceptional value of England's good-will to the United States. This he has done without provoking any distrust or jealousy on the part of other European Powers. To have commanded the respect and retained the friendship of all the great maritime nations while knitting with peculiar closeness the ties of amity with England, is an achievement that deserves more notice than it has generally received; and, however skilful and effective may have been the assistance given by his chosen Secretary of State, the credit of it belongs, primarily and mainly, to the President himself.

## II.

We pass to the great economic questions that occupy the public mind throughout the United States: the tariff, the trusts and the disputes between capital and labor. These are the most momentous questions by which our country has been confronted since the problem of negro slavery was solved by the Civil War. How has Mr. Roosevelt dealt, or proposed to deal, with them? The President is not an advocate of a tariff for revenue only; much less is he a free-trader. He may fairly be described as a moderate or reasonable protectionist. That is to say, we understand him to favor the protection of so-called infant industries against foreign competition in our home market, until such industries have grown strong enough to be self-protecting. We do not understand him to assert that protection in the home market should be given to giant industries, which have proved themselves able to undersell European competitors in foreign markets. It is, on the face of things, unjust that the American consumer should be forced to pay for a given article more than the American manufacturer thereof requires a foreign customer to pay for a like commodity. In every such case Mr. Roosevelt, unless we have misread him, thinks that the tariff should undergo revision. We do



not underrate the value of such a readjustment, neither do we question the sincerity of the President's desire to bring it about. So far as we can judge, however, from the references to the subject in the speeches made by him during the last year, his efforts in that direction will be confined to the recommendation of a Tariff Commission, to be appointed for the purpose of inquiring what duties may be reduced without exposing American manufactures to competition in the home market. It is manifest that no immediate relief can be expected from such a commission. No report could be looked for before the beginning of the first regular session of the Fifty-eighth Congress in December, 1903; and, even if most of the proposed reductions of duties should ultimately prove acceptable to a majority in both Houses, they are certain to encounter opposition so violent that definite legislation seems improbable during the session of Congress that precedes the next Presidential election. If such a miscarriage of the President's revisionist programme could be charged to the obstruction offered by a Democratic majority in the House of Representatives, the people would give the President full credit for excellent intentions. As things are, the President's party, having secured a majority in both branches of the next Congress, the mass of the voters will be apt to hold him personally accountable for the failure of his plans. They cannot be expected to appreciate the extent to which Mr. Roosevelt may be thwarted by certain Republican leaders, whose unfriendliness to him will continue to be studiously concealed, so long as he retains his present popularity. With his chances of success, however, in the next Republican National Convention, or at the ballot-box—chances which may be sensibly affected by the measure of fulfilment which his revisionist promises shall have received—we are not for the moment concerned, for we are here discussing only his first year in office and its immediate significance. So far as he recognizes the duty of pruning the excrescences of the Dingley Tariff, he indubitably represents the progressive element of his own party, and must be acknowledged by candid Democrats to have taken a step in the right direction.

### III.

When we come to the President's treatment of the economic and political questions raised within recent years by the vast conglomerations of capital in many fields of industry and trade, we

find it impossible to speak without reprobation of one of the remedies proposed for the evils imputed to the trusts. In the speeches which he made during the summer in New England, he expressed the opinion that the dangers to which the American community is exposed through abuses of the power pertaining to colossal corporations could be efficiently and lastingly averted only by a Constitutional Amendment, giving the Federal Government the right to supervise and control the within-State business of corporations, a right which has come to constitute one of the most precious assets reserved by the Constitution to the States. We by no means concur with those who assert or insinuate that, in putting forward this proposal, the President was guilty of deliberate duplicity, or, in other words, of a desire simply to amuse his auditors with the suggestion of an expedient known by him to be impracticable. That no such Amendment of the Constitution could be procured, we believe, indeed, to be true. Since the changes in our Federal organic law, which were required for the solution of our negro problem, were brought about in the years following the Civil War, we can recall out of the multitude of Constitutional Amendments submitted to Congress only one—that relating, namely, to the election of United States Senators by the people instead of by the Legislature of a State—that has succeeded in passing the House of Representatives. The Committee of the Senate to which the Amendment was referred has never yet reported, and nobody imagines that the Amendment, if favorably reported, would be sanctioned by the requisite number of Senators. Even if thus sanctioned, the adoption of such an Amendment by the requisite number of States can hardly be looked upon as within the bounds of possibility. If this be true, even of an Amendment whose relation to the fabric of State Rights is by no means clear to the ordinary voter, how utterly visionary is the notion that the States would ever consent to surrender a power so plainly interwoven with their most vital interests as the right to control and regulate the within-State business of corporations. In the eyes of a Jeffersonian Democrat, the mere mooted of such a surrender would be abhorrent, were it not perceived to be entirely chimerical. Not until the States are ready to renounce their separate existence, to dismiss State Legislatures and judiciaries, and to accept Governors at the hands of the National Executive, as prefects are appointed in France,

will they take a step so subversive of rights hitherto held sacred, so fatal to the autonomy needed for the habit of self-government as would be the Constitutional Amendment which Mr. Roosevelt said in New England he was inclined to think indispensable. That the President could ever have deemed such an Amendment indispensable indicates that he is essentially a Hamiltonian Federalist, and that he would see nothing alarming in such a centralization and unification of the American Union as we behold in the French Republic. That he also could for a moment have deemed such an Amendment practicable merely proves that he earnestly desired it: men are apt to believe in the feasibility of what they strongly wish for.

If, in his search for a means of curbing the trusts, Mr. Roosevelt had confined himself to his proposed Constitutional Amendment, we should not have disputed his sincerity, but we might have questioned his sanity. Fortunately for his reputation as a sound and clear-headed man, he fell back eventually on the idea mooted or supported by his Attorney-General, that in the Constitution as it stands might be found instruments quite adequate to such repression of the trusts as would debar them from becoming a source of serious danger to the interests of the community at large. The Constitutional provisions which Mr. Knox has in mind are, of course, those which give the Federal Government the power to impose a tariff on imports, to regulate Inter-State commerce and to raise money by internal taxation. We need not point out that the admission of foreign commodities duty-free would prevent the native manufacturer of similar articles from extorting inordinate prices from the American consumer. The scope of the other Constitutional powers mentioned was demonstrated by the drastic effect of the Federal legislation regarding oleomargarine, legislation which, while not professing to interfere, with the production of that commodity within a given State, rendered its production relatively unprofitable by the conditions imposed on its transit from one State to another. Attorney-General Knox contends that, if Congress, under its power to regulate Inter-State commerce, may utterly destroy a combination and forfeit its property in Inter-State transit, as the Sherman act provides, because the combination restrains such commerce, Congress can, in the exercise of the same power, deny to a combination, whose life, emanating from a State, it cannot directly reach, the

privilege of engaging in Inter-State commerce except upon such terms as Congress may prescribe to protect that commerce from restraint.

It is, of course, for the United States Supreme Court to determine what Federal legislation would be covered by the Constitutional powers of Congress to regulate commerce and to raise money by internal taxation. Whatever may have been the case a century or three-quarters of a century ago, no Jeffersonian Democrat would now think of disputing any interpretation of the Constitution which should have received the sanction of that august tribunal. If it be true in the judgment of the court of last resort that the Federal organic law confers upon Congress all the powers needed to avert the evils imputed to the trusts, by all means let those powers be used, provided the existence of the evils can be conclusively proved. For a discreet and far-sighted use of those powers the Federal Government will be held to a strict accountability, intelligent men being thoroughly alive to the fact that the tendency of capital to concentration is one of the economical characteristics of the age, and that the nation which, in the process of abating its incidental mischiefs, sacrifices the benefits of that tendency, will disqualify itself for coping with its rivals in the markets of the world. It is, in truth, a formidable weapon which Attorney-General Knox would put in the hands of the Federal Government, and he who uses it must needs be careful, lest, in lopping off branches ostensibly decayed, he strike at the very life of the tree.

#### IV.

Among those who believe in a strict construction of the Federal Constitution and in the anxious safeguarding of all the rights reserved to the States by that instrument, even Mr. Roosevelt's proposal of the Constitutional Amendment to which we have just referred excited less surprise and dismay than his appointment of the Anthracite Commission. Here was a dispute as to rate of wages and hours of labor between an organized body of miners on the one hand and their employers on the other in the State of Pennsylvania. It is universally acknowledged that, so long as public order was undisturbed and no Federal or State law was broken by either of the parties to the dispute, neither the Federal Government nor the State Executive of Pennsylvania had any right to interpose for the purpose of compelling or promoting an

agreement. It is probably true, indeed, that the State of Pennsylvania, in the interest of the consumers of anthracite coal, might, in the exercise of the right of eminent domain—which belongs, not to the Federal Government, as ex-Governor Hill of New York has asserted, but to the State—have taken possession of the mines and worked them; for the exercise of that power, however, an act of the State Legislature would have been required. In that dispute between employers and employed within the boundaries of a State, the Federal Chief Magistrate had no power to interfere, unless an outcome of it should be a disturbance of public order which the State Executive proved incompetent to quell, and for the quelling of which he requested the assistance of the Federal Government. In that case, and that only, Mr. Roosevelt would have had the right, and it would have been his duty, to send Federal troops into Pennsylvania, for the exclusive purpose of enforcing tranquillity and obedience to law. Even then, he would have transcended his powers had he presumed to take any part in the settlement of the controversy between the miners and their employers. In the case supposed, the President's function in the State of Pennsylvania would have been, not that of a judge or arbitrator, but solely that of a police officer.

So much is incontrovertible, not only from the viewpoint of a Jeffersonian Democrat, but also from that of every Republican who recalls the text of the Constitution. Now, let us see what happened. Although Governor Stone of Pennsylvania made a tardy and inadequate attempt to repress disorder in the anthracite region, the non-union miners who were exercising their constitutional right to work, continued to be subjected to intimidation and violence—nay, even to wounds and death. Inasmuch, however, as Governor Stone forebore to ask for Federal assistance, the President of the United States had not the shadow of a lawful pretext for interposition. It is conceivable, indeed, that, under such circumstances, had Thomas Jefferson been the Federal Chief Magistrate, and had his friend and disciple, Monroe, been the Governor of Pennsylvania, the former, in a private and strictly unofficial capacity, might have pointed out to the latter that the non-union miners were suffering a grievous and intolerable wrong, and that, if the forces of the State were too weak to redress it, it was the right and the duty of the Governor to ask the

President for aid. If Mr. Roosevelt had confined himself to making such a private suggestion to a fellow-Republican, Governor Stone, he would simply have expressed the conviction, shared by every right-minded citizen, that public order ought to be maintained. Mr. Roosevelt did nothing of the kind, however. He has at no time indicated the slightest sympathy for the wrongs of the non-union workers. He has not put forward the necessity of shielding them from persecution as a pretext for the appointment of the Anthracite Commission. He has not recognized the existence of the non-union workers as constituting a third party to the anthracite controversy. The sole pretext assigned for his interposition is that the habitual consumers of anthracite were in need of an immediate supply of that combustible. To that end he has himself recognized the United Mine-Workers as one of the parties to the anthracite controversy, and he has virtually coerced the mine-owners into a recognition of the same organization, with which, in a corporate capacity, they had hitherto refused to deal. He has, further, coerced the mine-owners, who, previously, had declined to allow third persons to say what prices they should pay for labor, into acquiescence in the proposal made by the United Mine-Workers, that the questions relating to wages and the hours of labor should be referred to a Commission appointed by the President. On that commission the mine-owners, the United Mine-Workers and the consumers of anthracite are all represented; but the non-union workers, who bore the brunt of the struggle, and who deserved protection at the hands of the Federal Government, if the State could not afford it, have no representative at all.

As Mr. Roosevelt's appointment of the Anthracite Commission was followed by a cessation of the strike, and a speedy delivery of hard coal to consumers, it has been received with a great deal of applause on the part of many light-headed persons. It was not, indeed, to be expected that men who have failed to read or to remember the Constitution, and who have not reflected on the specific aim and the carefully defined limitations of the Federal Government, would appreciate the novelty and the danger of the precedent established by our Chief Magistrate. Mr. Roosevelt, it is true, is careful to say that the Commission is extra-legal, unauthorized by the Constitution, and, therefore, destitute of any power to enforce its decisions; that, moreover, the Com-

missioners have been appointed by him in his private capacity, and, consequently, had not needed the consent of the Senate. It is, nevertheless, notorious that Mr. Theodore Roosevelt, in his capacity of private citizen, would have had no more power to settle the strike than any other man in the street, and that it was exclusively to him, in his official capacity as tenant of the office of Chief Magistrate, that deference was paid, alike by the mine-owners and by the United Mine-Workers, a deference followed by an agreement to abide by the decision of Commissioners appointed, not by citizen Roosevelt, but by the President of the United States. Here, then, is a power voluntarily ceded to the President, because he is President, and for no other reason, legal or extra-legal—a power in the exercise of which he is controlled by no Constitutional restraint, and the misuse of which can be punished neither by Congress nor by any other tribunal. Is it not obvious to every student of history that it was by the initiation and accumulation of just such precedents, each plausible and popular in itself, that the extra-legal fabric of Cæsarism was gradually erected in the Roman Republic, and that the non-statutory power of a Prime Minister has silently grown up under the shadow of the British Constitution?

We did not have long to wait before the danger of this precedent was brought home to law-abiding people throughout the United States. It was soon made evident that, if popular favor is to be gained by innovations for which there is no warrant in the Constitutions of the Union or of the several States, Mr. Roosevelt would not be suffered to retain a monopoly of such expedients. That both political parties would bid against each other for the support of ignorant voters by extra-legal proposals was demonstrated at the Democratic State Convention of New York, which inserted in its platform a demand that the Federal Government should invade the State of Pennsylvania and seize and operate the anthracite coal mines by virtue of an alleged right of eminent domain, which was expressly withheld by the framers of the Federal Constitution in 1787. Scarcely, moreover, had the President practically coerced mine-owners into an agreement to abide by the judgment of arbitrators appointed by himself, than the Connecticut Federation of Labor went further, and declared that the strikers ought to be supported during their strike by the State.

What view, then, is likely to be taken of Mr. Roosevelt's first year in office by old-fashioned Jeffersonian Democrats? His treatment of the Cuban reciprocity question, his forbearance toward China, his firm adherence to the Monroe Doctrine, and his cordial attitude toward England will be applauded. His apparent desire to revise the tariff will be commended. His ultimate exhibition of a wish to curb the trusts through the exercise of powers conferred by the Constitution, rather than through a Constitutional Amendment will also be regarded with approval. On the other hand, his appointment of the Anthracite Commission should be looked upon by all lovers of our Federal institutions, not only with profound regret, but with severe disapprobation. It is a first step in the perilous pathway that leads to the assertion of autocratic authority, an act that seems destined to give the Roosevelt Administration a bad eminence in American history.